



left open, and the other instructors, as well as other test takers, are way too loud.’ She walked over to the door, shut it, and stated, “Sorry.”” He explains that he was seated “in a row directly in front of the door with an approximation of five feet between where I sat, and the door.” However, he “was scared to close the door without the exam monitor’s permission as we were told we could only leave our seat to use the restroom and did not want to be disqualified from the test.” He adds that “after the test, I waited until all other test takers completed their exam, and reported my complaint to the exam monitor. She took me to the supervisor, who then advised me of my right to appeal. I completed the appeal, and was advised that I have to pay, as if my complaint wasn’t important.” He argues that he “had a disadvantage during the second portion of my exam. I am asking if I can take another test, or be given time to complete my test. I shouldn’t have to guess answers at the end of the examination because time was taken from me by losing focus due to the loud conversations in the hallway.”

### CONCLUSION

The Division of Administrative Services uses examination centers throughout the State. These centers have been chosen for both their suitability as test sites and their location near transportation routes. Cumberland County College was determined to be a suitable examination center that satisfied these criteria. While testing staff makes every effort to ensure that the environment for testing is comfortable and free of extraneous distractions, circumstances can occur which are beyond the staff’s control. In this regard, the Center Supervisor report notes that the door to the appellant’s assigned testing room was open because the room was hot. However, “college students were noisy leaving the building” and as a result, the room monitor closed the door. The room monitor report indicates that “the door was propped open after the multiple choice part started due to it being very warm. Door was open about 5 minutes and people started walking down the hall talking. As I got up to head to close the door a candidate asked me to close it.” As noted above, there are some circumstances which are beyond the control of the staff. However, examining staff addressed the issue of hallway noise by closing the door. Furthermore, the Commission is not persuaded that this was a significant distraction given that no other appeals were received regarding this issue. Moreover, the appellant has been exposed to the test content and thus, if he were provided with a retest, he would have an unfair advantage over other candidates.

With regard to the appeal processing fee, *N.J.A.C.* 4A:2-1.8 provides that a processing fee shall be charged for all appeals and requests, with certain exceptions, for relief filed with the Civil Service Commission. *See also N.J.S.A.* 11A:4-1.1. As such, the application of the appeal processing fee is not dependent on the relative merit of the matter being appealed.

